



PATENT  
File No.: 95-33

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : James W. Baumgartner et al.  
Serial No. : 08/815,773  
Filed : March 12, 1997  
For : STABLE DNA CONSTRUCTS  
Art Unit : 1812  
Examiner : Lazar-Wesley, E.  
Docket No.: 95-33  
Date : August 6, 1998

Assistant Commissioner for Patents  
Washington, D.C. 20231

DECLARATION OF GARY E. PARKER

Sir:

I, Gary E. Parker, do hereby declare as follows:

1. I am currently employed by ZymoGenetics, Inc., the assignee of the above-named patent application, as a Principal Patent Agent.

2. I drafted and filed the above-named patent application, as well as provisional patent application Serial No. 60/013,345 (the "Provisional Application"), from which the above-named patent application claims priority. The Provisional Application was filed March 13, 1996.

3. I have read the Office Action mailed February 24, 1998 in the above-named patent application, including the rejection under 35 U.S.C. § 102(e) over Collins et al., U.S. Patent No. 5,710,023.

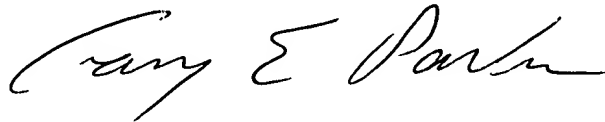
4. I have reviewed my records and readily conclude that I began the preparation of the Provisional Application prior to March 1, 1996, the filing date of the

Collins et al. patent. I also readily conclude that I worked diligently to complete and file the Provisional Application from a time prior to March 1, 1996 until the March 13, 1996 filing date.

5. Attached hereto as Exhibit 1 are copies of pages from a notebook that I keep in the normal course of my work. Work unrelated to the preparation of the Provisional Application has been redacted from these copies. The Provisional Application is referred to in these notes by our internal docket number, 95-33. As shown on pages 65-67 of the notebook, I revised the draft application on Thursday, February 29; Monday, March 4; Tuesday, March 5; Wednesday, March 6; Thursday, March 7; Tuesday, March 12; and Wednesday, March 13. In addition, on March 11 I received comments from inventor Theresa M. Farrah on a draft of the application, and spoke to inventor Frank J. Grant about the sequences disclosed in the Provisional Application.

6. Attached hereto as Exhibit 2 is a copy of a memo written by me to Amy Toman, an Administrative Assistant at ZymoGenetics who was responsible for the preparation of Sequence Listings. The memo identifies the sequences that were to be included in the Sequence Listing for the Provisional Application.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Gary E. Parker".

Gary E. Parker  
Registration No. 31,648